2013 Assembly Bill 564 (LRB -2383)

An Act relating to: revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

2013

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12-12.	A.	Read first time and referred to Committee on Judiciary	497

2014

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01-16.	A.	Executive action taken	
01-16.	A.	Report passage recommended by Committee on Judiciary, Ayes 8, Noes 0	536
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01-16.	A.	Placed on calendar 1-21-2014 by Committee on Rules	
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SB

2013
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **13 -** 23831 1

Amendments to above (if none, write "NONE"): None

Corrections – show date (if none, write "NONE"): None

Topic Rel

2-13-14
Date

Enrolling Drafter

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-2383/1
BJH:cjs:rs

2013 ASSEMBLY BILL 564

December 12, 2013 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

AN ACT **relating to:** revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats., is explained in the NOTES in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 35.84 (figure) line 21 of the statutes is repealed.

NOTE: Section 35.84 provides for the distribution of certain state documents to various state agencies and other entities. Line 21 provides for distribution to the Retirement Research Committee, which no longer exists.

SECTION 2. 48.396 (3) (b) 2. of the statutes, as created by 2011 Wisconsin Act 270, is amended to read:

48.396 **(3)** (b) 2. Subdivision 1. does not authorize disclosure of any information relating to the physical or mental health of an individual or that deals with any other

sensitive personal matter of an individual, including information contained in a patient health care record, as defined in s. 146.81 (4), a treatment record, as defined in s. 51.30 (1) (b), the record of a proceeding under s. 48.135, a report resulting from an examination or assessment under s. ~~938.295~~ 48.295, a court report under s. ~~938.33~~ 48.33, or a permanency plan under s. ~~938.38~~ 48.38, except with the informed consent of a person authorized to consent to that disclosure, by order of the court, or as otherwise permitted by law.

NOTE: Inserts correct cross–references. Drafting records show that this provision was originally drafted as a part of s. 938.396, then redrafted as s. 48.396 (3) (b) 2. However, cross–references to the provisions in ch. 938, stricken above, were not changed to their ch. 48 counterparts. As s. 48.396 (3) (b) 2. relates to the disclosure of information "under subd. 1." and s. 48.396 (3) (b) 1. governs the release of information "under ch. 48," the references to provisions in ch. 938 have no application.

SECTION 3. 49.79 (9) (a) 4. of the statutes is amended to read:

49.79 **(9)** (a) 4. The amount of food stamp benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works employment position under s. 49.147 (4) or (5) shall be calculated based on the pre–sanction benefit amount received under s. 49.148.

NOTE: Inserts a missing word and corrects capitalization.

SECTION 4. 69.18 (1) (a) 3. of the statutes is amended to read:

69.18 **(1)** (a) 3. A person acting under s. 157.02 or 445.16 ~~(1)~~.

NOTE: There is no s. 445.16 (1). Section 445.16 is not divided into subsections. 2005 Wis. Act 266 added "(1)" to this provision but no corresponding change was made to s. 445.16.

SECTION 5. 101.02 (24) (a) 2. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

101.02 **(24)** (a) 2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a),~~ 101.178

(2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

NOTE: Section 101.177 was repealed by 2011 Wis. Act 146.

SECTION 6. 101.19 (1r) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

101.19 **(1r)** Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a),~~ 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

NOTE: Section 101.177 was repealed by 2011 Wis. Act 146.

SECTION 7. The treatment of 111.84 (2) (c) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 111.84 (2) (c) reads:

(c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (ar) to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 8. 175.49 (2) (a) (intro.) of the statutes, as created by 2011 Wisconsin Act 35, is amended to read:

175.49 **(2)** (a) (intro.) Upon the request of a former law enforcement officer and at the expense of the former law enforcement ~~agency~~ officer, a law enforcement agency that employed the former law enforcement officer shall, except as provided in par. (b), issue the former law enforcement officer a certification card as described in sub. (4) stating all of the following:

NOTE: Drafting records indicate that "agency" was inserted as the result of a transcription error in the drafting process.

SECTION 9. 182.017 (7) (intro.) of the statutes is amended to read:

182.017 **(7)** HIGH-VOLTAGE TRANSMISSION LINES. (intro.) Any easement for rights–of–way for high–voltage transmission lines as defined under s. 196.491 (1) (f) shall be subject to all of the following conditions and limitations ~~specified in this subsection.~~:

NOTE: Conforms introductory provision to current style.

SECTION 10. 238.30 (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

238.30 Definitions. (intro.) In this section and ss. 238.301 to 238.395 and 238.398:

NOTE: Changes cross–references to correctly specify the range of sections to which the definitions under s. 238.30 apply.

SECTION 11. 281.36 (3q) (f) (intro.), 1. and 2. of the statutes are renumbered 281.36 (3q) (f) 1m. (intro.), a. and b.

NOTE: Separates s. 281.36 (3q) (f) 3. and 4. from s. 281.36 (3q) (f) (intro.) to correct the structure of s. 281.36 (3q) (f). Section 281.36 (3q) (f) 3. and 4. are stand–alone provisions that are not constructed to follow from s. 281.36 (3q) (f) (intro.).

SECTION 12. 287.07 (4e) (a) of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

287.07 **(4e)** (a) Beginning on July 1, 2011, no person may place in a container the contents of which will be disposed of in a solid waste ~~treatment~~ disposal facility,

converted into fuel, or burned at a solid waste treatment facility any of the items identified in sub. (4) (a) to (k).

NOTE: Inserts correct term consistent with remaining provisions of s. 287.07, which provide that materials are disposed of at a "solid waste disposal facility" and burned at a "solid waste treatment facility."

SECTION 13. 291.97 (3) of the statutes is amended to read:

291.97 **(3)** COST RECOVERY. In addition to the penalties provided under subs. (1) and (2), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees and the costs of performing monitoring. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this ~~paragraph~~ subsection. The costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

NOTE: Inserts correct cross–reference.

SECTION 14. 343.301 (1m) of the statutes is amended to read:

343.301 **(1m)** If equipping each motor vehicle with an ignition interlock device under sub. (1g) would cause an undue financial hardship, the court may order that one or more vehicles described in sub. (1g) not be equipped with an ignition interlock device.

NOTE: Inserts a missing word.

SECTION 15. 350.145 (3) (c) of the statutes is amended to read:

350.145 **(3)** (c) Before March 1 of each odd–numbered year, the snowmobile recreational council shall meet and review the provisions that are included in the executive budget bill or bills and that affect snowmobiles and snowmobiling. A member of the snowmobile recreational council may submit his or her written

comments on these provisions to the secretary of natural resources before March 10 of each odd–numbered year.

NOTE: Inserts a missing word consistent with the remainder of the statutes. The executive budget bill is the only executive bill referred to in the statutes.

SECTION 16. 456.07 (2) of the statutes is amended to read:

456.07 **(2)** The application for a new certificate of registration shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the examining board that during the biennial period immediately preceding application for registration the applicant has attended a ~~continuation~~ continuing education program or course of study. During the time between initial licensure and commencement of a full 2–year licensure period new licensees shall not be required to meet continuing education requirements. All registration fees are payable on or before the applicable renewal date specified under s. 440.08 (2) (a).

NOTE: Makes language internally consistent by adopting the current term.

SECTION 17. 973.195 (1r) (e) of the statutes, as affected by 2011 Wisconsin Act 258, is amended to read:

973.195 **(1r)** (e) Notwithstanding the confidentiality of victim address information obtained under s. ~~302.1135 (7) (c)~~ 302.113 (9g) (g) 3., a district attorney who is required to send notice to a victim under par. (d) may obtain from the clerk of the circuit court victim address information that the victim provided to the clerk under s. ~~302.1135 (7) (c)~~ 302.113 (9g) (g) 3.

NOTE: Inserts correct cross–reference. 2011 Wis. Act 38 repealed s. 302.1135 (7) (c) and created a substantially similar provision regarding the collection of victim address information as s. 302.113 (9g) (g) 3.

SECTION 18. 2011 Wisconsin Act 61, section 3 is amended by replacing "~~All~~ Except as" with "Except as".

NOTE: "All," shown as stricken, was not pre–existing text.

1 **SECTION 19.** 2011 Wisconsin Act 243, section 13 is amended by replacing "(16),
2 or (18)" with "(16), or (18),".

NOTE: A comma was omitted without being stricken. No change was intended. This correction was incorrectly noted as a correction to s. 348.25 (4) (intro.) under s. 35.17 in the 2011–12 printed statutes.

3 **SECTION 20. Renumbering and cross–reference changes under section**
4 **13.92 (1) (bm) 2., stats.** The statute in column A was renumbered to the statute
5 number in column B, and cross–references to the renumbered statute are changed
6 in the statutes in column C to agree with the renumbered statute, under section
7 13.92 (1) (bm) 2. of the statutes:

NOTE: Confirms renumbering and corresponding cross–reference changes under s. 13.92 (1) (bm) 2.

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross–References are Changed
118.305 (1) (c) [second par. (c)], as created by 2011 Wis. Act 125	118.305 (1) (e)	none
968.075 (1) (c)	968.075 (1) (e)	none
980.09 (intro.)	980.09 (1)	none

8 **SECTION 21. Corrections of obvious typographical errors under s. 35.17,**
9 **stats.** In the sections of the statutes listed in Column A, the text shown in Column
10 B was changed to the text shown in column C to correct obvious nonsubstantive
11 errors under s. 35.17 of the statutes:

NOTE: Confirms the correction of obvious nonsubstantive errors in the statutes under s. 35.17.

A Statute Affected	B Erroneous text	C Corrected text
4.19 (title), as created by 2011 Wis. Act 43	Ninteenth	Nineteenth
11.26 (1) (d) 1.	dollars,	dollars.
14.85 (5) (c)	gulf of Mexico	Gulf of Mexico
16.993 (7), as affected by 2011 Wis. Act 32	districts,,	districts,
20.001 (2) (f)	revenue–obligations	revenue obligations
20.003 (3) (b) 3.	program revenue service	program revenue — service
20.435 (5) (ma)	drugs abuse	drug abuse
27.01 (18), as created by 2013 Wis. Act 6	chapter 125	ch. 125
29.604 (4) (intro.), as affected by 2013 Wis. Act 1	sub. (6r) and (7m)	subs. (6r) and (7m)
32.05 (2a)	this paragraph	this subsection
32.06 (2a)	this paragraph	this subsection
36.31 (3)	higher education aids board	higher educational aids board
40.02 (22) (a)	(e):	(e);

40.02 (25g), as renumbered from 40.02 (48g) by 2013 Wis. Act 20	26 USC 402 (I) (4) (C)	26 USC 402 (*l*) (4) (C)
45.51 (2) (b) 5.	drug addition	drug addiction
45.51 (6) (b)	12–months	12 months
48.38 (2) (intro.)	home of guardian	home of a guardian
55.12 (10) (d)	firearms restriction record search (in 2 places)	firearms restrictions record search (in 2 places)
145.245 (5) (a) 2., as affected by 2011 Wis. Act 146	private e on–site	private on–site
168.06 (1)	gasoline gasoline–alcohol fuel blends	gasoline, gasoline–alcohol fuel blends
175.35 (1) (at)	firearms restriction record search	firearms restrictions record search
217.09 (1r)	this paragraph	this subsection
218.0116 (10), as affected by 2011 Wis. Act 91	hearing and appeals	hearings and appeals
218.0163 (1) (c)	hearing and appeals	hearings and appeals

230.03 (14) (intro.)	veteran	"veteran"
289.41 (6) (i) 1.	accounting principals	accounting principles
295.44 (7) (b), as created by 2013 Wis. Act 1	sub (3)	sub. (3)
295.443 (4), as created by 2013 Wis. Act 1	village or city	village, or city
295.53 (5), as created by 2013 Wis. Act 1	ch. 150	ch. NR 150
295.60 (4) (c) (intro.), as created by 2013 Wis. Act 1	values;	values:
295.60 (6) (a) (intro.), as created by 2013 Wis. Act 1	a a discharge	a discharge
348.25 (8) (b) 3. (intro.)	4m. or	4m., for

441.50 (10) (d), as created by 1999 Wis. Act 22	[omitted]	(d) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.
460.06 (1)	s meets	meets
461.03 (1)	accounting principals	accounting principles
938.195 (1) (a)	meaning give	meaning given
938.396 (2g) (n) (title)	*firearms restriction record search*	*firearms restrictions record search*
948.23 (3) (c) 4., as created by 2011 Wis. Act 268	result on an injury	result of an injury

1 **(END)**